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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,348	01/31/2004	Allan T. Steinbock	20045-65	8361
572 7590 04/13/2009 CLIFFORD A. POFF 9800B MCKNIGHT ROAD SUITE 115 PITTSBURGH, PA 15237				
EXAMINER HEWITT, JAMES M				
ART UNIT		PAPER NUMBER		
3679				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/769,348

Applicant(s)

STEINBOCK ET AL.

Examiner

JAMES M. HEWITT

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/11/08, 6/10/08 & 11/3/08.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-15, 17-24 is/are pending in the application.
4a) Of the above claim(s) 15, 18 and 19 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 14, 17 and 20-24 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/808)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Claims 15 and 18-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse on 8/21/07.

Information Disclosure Statement

Foreign patent documents GB 2 340 571 A and EP 0 405 951 A1 have not been considered as the following requirements have not been met: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (3) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (4) a heading that clearly indicates that the list is an information disclosure statement. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(g),(o). The following does not find proper antecedent basis in the specification: fixed part; moveable part; friction element; mounting surface; lines 2-5 of claim 1; lines 13-16 of claim 1; the limitation "and a nut of said spindle to limit linear movement of said compression member (lines 3-4 of claim 23).

Claim Objections

Claim 23 is objected to because of the following informalities:

A period should be inserted after "member" on line 4 of claim 23.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 23, line 2 and lines 3-4, "said compression member" lacks proper antecedent basis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14, 17 and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reimert (US 4,094,539) in view of Tischler (US 6,712,096).

With respect to claim 14, Reimert discloses a compression generator including a combination of a fixed part (10/11) having an internal cavity (bore) accessible from at least one aperture to install and displace a friction element (16) in said internal cavity into frictional contact with a moveable part (13/14) in a confronting relationship to said at least one threaded aperture. Reimert employs a fastener assembly including screws disposed about the circumference of the apparatus, the screws acting to tighten respective dogs (16). Reimert fail to teach an externally threaded carrier affixed by said at least one threaded aperture for retained support by said fixed part; and a plurality of jackbolts each received in one of a plurality of threaded holes .at spaced-apart locations about an outer peripheral part of said carrier for extending from said carrier into confronting engagement with said friction element residing in said internal cavity and generate a pushing force against said moveable part and form a mechanical connection with said moveable part by torque applied to said jackbolts. Tischler teaches a fastener assembly for a high pressure body, the fastener assembly including an externally threaded carrier (42) received by threaded wall (20) of body (12), and a plurality of

jackbolts (44) each received in one of a plurality of holes at spaced-apart locations about an outer peripheral part of said carrier for receiving torque to generate said pushing force to secure seal head (26) against the body (12). Tischler's fastening assembly permits effective securement of a high-pressure fluid system. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace Reimert's fastening assembly with that of Tischler's in order to reliably secure the dogs (16) and pipes at high pressures.

With respect to claim 17, wherein said moveable part (13/14) comprises a pipe member and includes an annular ring section (20 in Reimert) between annular grooves (18 in Reimert) for generating friction by torquing of said jackbolts to move said friction element (16) toward said moveable part of said mechanical connection.

With respect to claim 20, wherein said friction element (16) includes spaced apart protrusions (19 in Reimert) for interlocking passage therebetween with said annular ring section.

With respect to claim 21, further including a mounting surface (outside of dogs 16 in Reimert) receiving compressive reaction forces by torquing of said jackbolts.

With respect to claim 22, wherein said externally threaded carrier is defined by a disk shaped configuration having a thickness of approximating the wall thickness of the said pipe member. Refer to Tischler.

With respect to claim 23, further including a spindle (one of the jackbolts 44) extending from said compression member and through a bore in said externally

threaded carrier, and a nut on said spindle to limit linear movement of said compression member (refer to FIGS. 1 and 2 in Tischler).

With respect to claim 24, wherein said nut is dimensioned to seat in a counter bore in said externally threaded carrier to provide guided movement of said spindle throughout a desired range in said internal cavity. Refer to FIGS. 1 and 2 in Tischler.

Response to Arguments

Applicant's arguments filed 3/11/08 have been fully considered but they are not persuasive.

Applicant argues that Reimert fails to teach the limitation "...a fixed part having an internal cavity accessible from at least one aperture to install and displace a friction element in said internal cavity into frictional contact with a moveable part in a confronting relationship to said at least one threaded aperture..." Examiner disagrees. Just as in Applicant's invention, prior to assembly, the bore of pipe (10/11) is accessible via threaded bore in partition (28) to install and displace a friction element (16) in said internal cavity into frictional contact with a moveable part (13/14) in a confronting relationship to said at least one threaded aperture. Applicant further argues that Tischler fails to teach the recited "friction element" in the recited confronting relation. In response, Examiner has not relied upon Tischler for the teaching of the recited friction element. Reimert discloses friction element (16). Tischler has been relied on for a teaching of the recited fastener assembly.

Applicant also argues "Additionally, it is believed the combination of Reimert and Tischler is improper when applied to amended claim 14 since amended claim 14 is not addressed to securement to a high pressure fluid system. Attention is respectfully directed to applicants' specification at page 1 beginning at line 16 through page 2, line 9. The combination of references seem to solve a problem not recognized by the reference namely the shortcomings of a single bolted joint." In response, the claims do not include any limitations that would preclude applying a prior art reference that is applicable to high pressure fluid systems. The combination of Reimert and Tischler meet all of the limitations of claim 14.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES M. HEWITT whose telephone number is (571)272-7084. The examiner can normally be reached on M-F, 930am-600pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James M Hewitt/
Primary Examiner, Art Unit 3679